

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA

Lafayette W. Knotts, #275052,)	
a/k/a Lafayette Westly Knotts,)	C/A No. 6:08-814-MBS-WMC
)	
Plaintiff,)	
)	
vs.)	
)	
South Carolina Department of Corrections;)	O R D E R
Director Jon Ozmint; Case Manager)	
Ms. Hudson; Officer C. Johnson; and)	
Officer L. Cook,)	
)	
Defendants.)	
_____)	

Plaintiff Lafayette W. Knotts is an inmate in custody of the South Carolina Department of Corrections. Plaintiff, proceeding pro se, asserts that his constitutional rights have been violated in various respects. He brings this action pursuant to 42 U.S.C. § 1983.

This matter is before the court on Plaintiff's "motion of default"(Entry 41), which motion was filed October 8, 2008. In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., the within action was referred to United States Magistrate Judge William M. Catoe for pretrial handling. On November 21, 2008, the Magistrate Judge issued a Report of Magistrate Judge in which he noted that Defendants were served on April 17, 2008, and that they timely filed an answer on May 7, 2008. See Fed. R. Civ. P. 12(a)(1)(A)(i). Accordingly, the Magistrate Judge recommended that Plaintiff's motion be denied. Plaintiff filed no objections to the Report of Magistrate Judge.

The Magistrate Judge makes only a recommendation to this court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this court. Mathews v. Weber, 423 U.S. 261, 270 (1976). The court is charged with making a de novo

determination of any portions of the Report of Magistrate Judge to which a specific objection is made. The court may accept, reject, or modify, in whole or in part, the recommendation made by the Magistrate Judge or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of objections to the Report, this court is not required to give any explanation for adopting the recommendation. Camby v. Davis, 718 F.2d 198, 199 (4th Cir. 1983).

The court has carefully reviewed the record and concurs in the recommendation of the Magistrate Judge. The court adopts the Report of Magistrate Judge and incorporates it herein by reference. Accordingly, Plaintiff's motion for default (Entry 41) is **denied**. The within action is recommitted to the Magistrate Judge for additional pretrial handling.

IT IS SO ORDERED.

/s/ Margaret B. Seymour
United States District Judge

Columbia, South Carolina

January 28, 2009.